

DOCUMENT

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DOC #:

DATE FILED: 9-11-08

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
SYLVENIA COLLINS,

Plaintiff,

- against -

NATIONAL RAILROAD PASSENGER  
CORPORATION,

Defendant.  
-----X

07 Civ. 7023 (VM)

**CONDITIONAL**

**ORDER OF DISCONTINUANCE**

**VICTOR MARRERO, United States District Judge.**

Magistrate Judge Theodore H. Katz, to whom this case was referred for pretrial supervision, having notified the Court, by memorandum dated September 9, 2008, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

**ORDERED,** that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity


of additional process, on a date within thirty days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court schedule in this action are cancelled, but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement has not been consummated and that further proceedings are necessary to resolve this action.

The Clerk of Court is directed to close this case.

**SO ORDERED.**

Dated: NEW YORK, NEW YORK  
11 September 2008



Victor Marrero  
U.S.D.J.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
UNITED STATES COURTHOUSE  
500 PEARL STREET  
NEW YORK, NEW YORK 10007-1312

CHAMBERS OF  
THEODORE H. KATZ  
UNITED STATES MAGISTRATE JUDGE



M E M O R A N D U M

To: Hon. Victor Marrero, U.S.D.J.

From: Theodore H. Katz, U.S.M.J.

Date: September 9, 2008

Re: Collins, Sylvenia v. National Railroad  
07 Civ. 07023 (VM) (THK)

This case was referred to me for settlement. I am pleased to report that, during a settlement conference I held today, the parties agreed to a resolution. They expect to submit a Stipulation and Order of Discontinuance to you within several weeks. Accordingly, I am closing the reference. Please let me know if I can be of further assistance.

cc: Dorothy Guranich,  
Assignment Clerk